

## **Senate Bill No. 252**

### **CHAPTER 384**

An act to amend Sections 48412 and 51421 of, and to add and repeal Section 51421.5 to, the Education Code, relating to pupils, and making an appropriation therefor.

[Approved by Governor September 30, 2015. Filed with  
Secretary of State September 30, 2015.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 252, Leno. Pupils: diploma alternatives: fees.

(1) Existing law authorizes certain persons, including, among others, any person 16 years of age or older, to have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the State Department of Education. Existing law requires the State Board of Education to award a certificate of proficiency to persons who demonstrate that proficiency. Existing law requires the department to develop standards of competency in basic skills taught in public high schools and to provide for the administration of examinations prepared by, or with the approval of, the department to verify competency. Existing law authorizes the department to charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of these provisions, but prohibits the fee from exceeding an amount equal to the cost of test renewal and administration per examination application.

This bill would prohibit the department from charging the fee to a homeless child or youth who is under 25 years of age and can verify his or her status as a homeless child or youth. The bill would authorize a homeless services provider, as defined, that has knowledge of the examinee's housing status to verify the examinee's status for purposes of these provisions. The bill would provide that no additional state funds shall be appropriated for purposes of implementing the above provisions. The bill would authorize the state board to adopt emergency regulations for purposes of these provisions.

(2) Existing law separately requires the Superintendent of Public Instruction to issue a high school equivalency certificate and an official score report, or an official score report only, to a person who has not completed high school and who meets specified requirements, including, among others, having taken all or a portion of a general education development test that has been approved by the state board and administered by a testing center approved by the department, with a score determined by the state board to be equal to the standard of performance expected from high school graduates. Existing law authorizes the Superintendent to charge an examinee a one-time fee to pay costs related to administering these

provisions and issuing a certificate, as specified. Existing law limits the amount of the fee to \$20 per person and requires each scoring contractor to forward that fee to the Superintendent.

This bill would, for purposes of those provisions, prohibit a contractor or testing center that charges its own separate fee from charging that separate fee to a homeless child or youth who is under 25 years of age and can verify his or her status as a homeless child or youth. The bill would authorize a homeless services provider, as defined, that has knowledge of the examinee's housing status to verify the examinee's status for purposes of these provisions. The bill would provide that no additional state funds shall be appropriated for purposes of implementing these provisions, and would authorize the Superintendent to adopt emergency regulations for purposes of these provisions.

(3) Existing law establishes in the State Treasury a Special Deposit Fund Account, which consists of certain fees, and is continuously appropriated for the support of the department to be used for purposes of the provisions above relating to high school equivalency tests.

This bill would authorize the Superintendent, until July 1, 2019, to use surplus funds, as defined, in the Special Deposit Fund Account to reimburse contractors for the loss of fees, if any, pursuant to provisions above relating to high school equivalency tests. By authorizing the expenditure of money in a continuously appropriated fund for a new purpose, this bill would make an appropriation. The bill would require a contract executed by the department for the provision of those tests to require a contracting party to accept all examinees, including those entitled to a fee waiver pursuant to those provisions. The bill also would require the department to include a provision in all memorandums of understanding with contractors for purposes of providing a high school equivalency test, that if the surplus funds in the Special Deposit Fund Account are depleted, the ongoing costs of a fee waiver for an examinee deemed eligible for a waiver shall be absorbed by the contractor.

(4) This bill also would require the department, on or before December 1, 2018, to submit 2 reports to the appropriate policy and fiscal committees of the Legislature, one relating to high school proficiency tests, and one relating to high school equivalency tests, that each include, among other things, the number of homeless youth that took a high school proficiency or equivalency test in each of the 2016, 2017, and 2018 calendar years, and the impact of the opportunity to take a high school proficiency or equivalency test at no cost on the number and percentage of homeless youth taking a high school proficiency or equivalency test.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 48412 of the Education Code is amended to read:

48412. (a) (1) A person 16 years of age or older, or who has been enrolled in the 10th grade for one academic year or longer, or who will complete one academic year of enrollment in the 10th grade at the end of the semester during which the next regular examination will be conducted, may have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the State Department of Education.

(2) The state board shall award a “certificate of proficiency” to persons who demonstrate that proficiency. The certificate of proficiency shall be equivalent to a high school diploma, and the department shall keep a permanent record of the issuance of all certificates.

(b) (1) The department shall develop standards of competency in basic skills taught in public high schools and shall provide for the administration of examinations prepared by or with the approval of the department to verify competency. Regular examinations shall be held once in the fall semester and once in the spring semester of every academic year on a date, as determined by the department, that will enable notification of examinees and the schools they attend, if any, of the results thereof not later than two weeks prior to the date on which that semester ends in a majority of school districts that maintain high schools.

(2) In addition to regular examinations, the department may, at the discretion of the Superintendent, conduct examinations for all eligible persons once during each summer recess and may conduct examinations at any other time that the Superintendent deems necessary to accommodate eligible persons whose religious convictions or physical handicaps prevent their attending one of the regular examinations.

(c) (1) The department may charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of this section. However, the fee shall not exceed an amount equal to the cost of test renewal and administration per examination application. All fees levied and collected pursuant to this section shall be deposited in the State Treasury for remittance to the current support appropriation of the department as reimbursement for costs of administering this section. Any reimbursements collected in excess of actual costs of administration of this section shall be transferred to the unappropriated surplus of the General Fund by order of the Director of Finance.

(2) The department shall not charge the fee to an examinee who meets all of the following criteria:

(A) The examinee qualifies as a homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)).

(B) The examinee has not attained 25 years of age as of the date of the scheduled examination.

(C) The examinee can verify his or her status as a homeless child or youth. A homeless services provider that has knowledge of the examinee’s housing status may verify the examinee’s status for purposes of this subparagraph.

(3) For purposes of this subdivision, a “homeless services provider” includes either of the following:

(A) A homeless services provider listed in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code.

(B) Any other person or entity that is qualified to verify an individual’s housing status, as determined by the department.

(4) The loss of fees pursuant to paragraph (2), if any, shall be deemed to be a cost of administering this section for purposes of paragraph (1).

(d) (1) The state board shall adopt rules and regulations as are necessary for implementation of this section.

(2) Notwithstanding paragraph (1), the state board shall adopt emergency regulations, as necessary, to implement the provisions of subdivision (c), as amended by the act that added this paragraph. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare.

(e) The department shall periodically review the effectiveness of the examinations administered pursuant to this section. The costs of this review may be recovered through the fees levied pursuant to subdivision (c).

(f) (1) On or before December 1, 2018, the Superintendent shall submit a report to the appropriate policy and fiscal committees of the Legislature that includes, but is not limited to, all of the following:

(A) The number of homeless youth that took a high school proficiency test in each of the 2016, 2017, and 2018 calendar years.

(B) The impact of the opportunity to take a high school proficiency test at no cost on the number and percentage of homeless youth taking a high school proficiency test.

(C) The estimated number of homeless youth who may take a high school proficiency test in future years.

(D) Recommendations for a permanent funding source to cover the cost of the waived fees.

(E) The annual and projected administrative cost to the department.

(F) The annual and projected reimbursement to contractors pursuant to this section.

(2) The requirement for submitting a report imposed under paragraph (1) is inoperative on January 1, 2020, pursuant to Section 10231.5 of the Government Code.

(g) Additional state funds shall not be appropriated for purposes of implementing paragraph (2) of subdivision (c).

SEC. 2. Section 51421 of the Education Code is amended to read:

51421. (a) The Superintendent may charge a one-time only fee, established by the state board, to be submitted by an examinee when registering for the test sufficient in an amount not greater than the amount required to pay the cost of administering this article, including costs related to subdivision (b), and for the cost of providing services related to the completion of the general educational development test. The amount of each fee may not exceed twenty dollars (\$20) per person.

(b) The examinee shall be responsible for submitting to the Superintendent both of the following requests:

(1) A request for a duplicate copy of the high school equivalency certificate.

(2) A request to forward a report of the results of a general educational development test to a postsecondary educational institution.

SEC. 3. Section 51421.5 is added to the Education Code, to read:

51421.5. (a) If, for purposes of this article, a contractor or testing center charges an examinee its own separate fee, the contractor or testing center shall not charge that fee to an examinee who meets all of the following criteria:

(1) The examinee qualifies as a homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)).

(2) The examinee has not attained 25 years of age as of the date of the scheduled examination.

(3) The examinee can verify his or her status as a homeless child or youth. A homeless services provider that has knowledge of the examinee's housing status may verify the examinee's status for purposes of this paragraph.

(b) For purposes of this section, a "homeless services provider" includes either of the following:

(1) A homeless services provider listed in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code.

(2) Any other person or entity that is qualified to verify an individual's housing status, as determined by the department.

(c) Additional state funds shall not be appropriated for purposes of implementing this section.

(d) Notwithstanding subdivision (c), the Superintendent may use surplus funds in the Special Deposit Fund Account, established pursuant to Section 51427, to reimburse contractors for the loss of fees, if any, pursuant to this section. A contract executed by the department for the provision of examinations pursuant to Section 51421 or this section shall require that any contracting party accept all examinees, including those entitled to a fee waiver pursuant to this section. For purposes of this subdivision, "surplus funds" are funds remaining after the costs permitted by subdivision (a) of Section 51421 are paid.

(e) On or before December 1, 2018, the Superintendent shall submit a report to the appropriate policy and fiscal committees of the Legislature that includes, but is not limited to, all of the following:

(A) The number of homeless youth that took a high school equivalency test in each of the 2016, 2017, and 2018 calendar years.

(B) The impact of the opportunity to take a high school equivalency test at no cost on the number and percentage of homeless youth taking a high school equivalency test.

(C) The estimated number of homeless youth who may take a high school equivalency test in future years.

(D) Recommendations for a permanent funding source to cover the cost of the waived fees.

(E) The annual and projected administrative cost to the department.

(F) The annual and projected reimbursement to the contractor pursuant to this section.

(f) The Superintendent shall adopt emergency regulations, as necessary, to implement this section. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare.

(g) The department shall include a provision in all memorandums of understanding with contractors for purposes of providing a high school equivalency test, that if the surplus funds in the Special Deposit Fund Account are depleted, the ongoing costs of a fee waiver for an examinee deemed eligible for a waiver pursuant to this section shall be absorbed by the contractor.

(h) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4. Section 51421.5 is added to the Education Code, to read:

51421.5. (a) If, for purposes of this article, a contractor or testing center charges an examinee its own separate fee, the contractor or testing center shall not charge that fee to an examinee who meets all of the following criteria:

(1) The examinee qualifies as a homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)).

(2) The examinee has not attained 25 years of age as of the date of the scheduled examination.

(3) The examinee can verify his or her status as a homeless child or youth. A homeless services provider that has knowledge of the examinee's housing status may verify the examinee's status for purposes of this paragraph.

(b) For purposes of this section, a "homeless services provider" includes either of the following:

(1) A homeless services provider listed in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code.

(2) Any other person or entity that is qualified to verify an individual's housing status, as determined by the department.

(c) Additional state funds shall not be appropriated for purposes of implementing this section.

(d) The Superintendent shall adopt emergency regulations, as necessary, to implement this section. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare.

(e) The department shall include a provision in all memorandums of understanding with contractors for purposes of providing a high school equivalency test, that if the surplus funds in the Special Deposit Fund

Account are depleted, the ongoing costs of a fee waiver for an examinee deemed eligible for a waiver pursuant to this section shall be absorbed by the contractor.

(f) This section shall become operative on July 1, 2019.

O